

4/12/18

5:21 p.m.

Chapter No. 443  
18/SS36/R213SG  
AR HB RC

## ***SENATE BILL NO. 2197***

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2197

AN ACT TO PROVIDE CERTAIN IMMUNITY FOR PERSONS WHEN ASSISTANCE IS REQUESTED FOR A MEDICAL EMERGENCY DUE TO CONSUMPTION OF ALCOHOL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) A peace officer shall not take a person into custody based solely on the commission of an offense involving alcohol if the peace officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

(a) The peace officer has contact with the person because the person acting in good faith requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption and the person did not illegally provide alcohol to the individual.

(b) The person:

(i) Provided his full name and any other relevant information requested by the peace officer;

(ii) Remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; and

(iii) Cooperated with emergency medical assistance personnel and peace officers at the scene.

(2) A person who meets the criteria of subsection (1) of this section shall be immune from criminal prosecution for any offense related solely to the possession and consumption of alcohol.

(3) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance or failure to comply with this section.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2018.

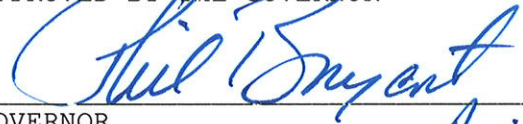
PASSED BY THE SENATE  
March 28, 2018

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 28, 2018

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

April 12, 2018  
5:21 pm